

CLANDESTINE AMERICA



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"This is the Age of Investigation, and every citizen must investigate." — Ed Sanders

CONSPIRACY FOUND

The sound of a shot from the grassy knoll has been heard by the House Assassinations Committee since last we met, and the committee has thus been obliged to conclude in its final report that a conspiracy in the JFK assassination was "probable."

The immediate result was shocked, hurt, angry, incredulous outcries from the defenders of the lone-assassin faith, wails of disgust and disbelief from the FBI, a counter-attack through the mass media, and the disintegration of the celebrated "non-partisanship" of the select committee, all the Democrats but one going along with the conspiracy finding, all the Republicans but one dissenting.

But this gets ahead of the story. Our purpose here is to look back on the committee's progress, review the main events that brought it to its last-minute reversal, then take a look beyond to guess what the new situation may be like.

THE SHOT

We heard the pre-echo of the knoll shot, the shock wave of it, as the acoustics people might say, on September 11, the fourth day of the committee's public hearings on JFK. It would be three and a half months more before we would hear the blast itself.

The chandeliered hearing room was expectant that bright September morning. The word was out that this was to be the big day for the outside critics, that we were perhaps even to be vindicated by the testimony that the acoustics expert was scheduled to give.

Certainly the first three days of the hearings had given the critics no comfort. The members gazed down in seeming contentment as their chief counsel, G. Robert Blakey, systematically went after the arguments advanced against the lone-assassin theory by the first-generation critics. Like a prosecutor in a trial, he set about to pull the magic-bullet theory back together, explain away the backwards headsnap, and shrug off the relatively undeformed condition of bullet 399.

To the satisfaction of the media, Blakey was clearly beating the critics back. Maybe now, they thought, the JFK question was at long last about to be shut down.

Then at the end of the third day a new word was out. A major upheaval was now expected.

New acoustics evidence was about to be presented that would turn the whole case around, weighty scientific proof of conspiracy. Where Warren said three shots were fired, the new evidence said four. Where Warren said all shots came from one gunman firing from behind, the new evidence said one of the shots, the third, was fired from the front, from the area of the grassy knoll.

As we are sure our readers know, the physical basis of these conclusions was a Dallas Police Department Dictabelt recording of the gunfire made automatically through an open mike on a DPD motorcycle riding escort in the motorcade about 120 feet behind the limousine.

This acoustical record of the assassination was known to the Warren Commission, but the commission and the FBI were apparently satisfied that it had little evidentiary value. The critics, especially the Texas group led by Penn Jones and the magnificent Mary Ferrell of Dallas, knew there was important and indeed decisive information on this belt, but lacked the financial and technological means to retrieve it. And there the question lay.

Time passed. The debate alternately sputtered and raged, would not be quelled, and then finally in 1976 the House set up the assassinations committee. In 1977, Mary Ferrell informed this committee of the existence of the belt and turned over a copy of it from her archives. With help from a former Dallas Police Department assistant chief, Paul McCaghren, the committee was able to find and procure the original belt, formerly thought lost or destroyed.

The next step was to send the tape out for analysis to the outfit most experienced and competent in this kind of work, the Cambridge, Massachusetts, acoustic laboratory, Bolt, Beranek, & Newman. BB&N had a long list of scientific and technological achievements to its credit, conspicuous among which was the fact federal courts had directed it to testify as an expert witness in two of the major political court cases of our time, the Kent State shootings and the Nixon 18½-minute gap.

The BB&N technical analysis of the DPD belt was reduced finally to two propositions derived from two different kinds of scientific activity. First, BB&N used a matched-filtering process to retrieve the possible sounds of shots from the dictabelt's noise. Second came the analysis of the signals thus identified. This analysis was carried out by means of the detailed acoustical examination of the specific signals isolated in the first step—the "impulses" that might be sounds of gunshots. The method was to reproduce these impulses as waveforms and compare them to the waveforms of rifle and pistol shots recorded on August 20, 1978, by the BB&N project team in Dealey Plaza.

The waveforms are complex patterns that contain a great deal of specific information. The waveform produced by a rifle shot can be distinguished from that of a motorcycle backfire, for example, because the bullet, being a supersonic projectile, produces a distinctive shock wave preceding the blast wave. And a shot fired in Dealey Plaza can be distinguished from shots fired in all other places, because the buildings bounding the plaza and their over-all configuration and physical relationship to each other give the plaza a unique acoustical "fingerprint." If the Dealey Plaza test patterns coincide with the Dictabelt patterns, then the Dictabelt impulses are of shots fired in Dealey Plaza or its exact acoustic replica.

So having found the shots and determined their points of origin, BB&N's chief scientist and project leader, Dr. James A. Barger, was about to tell the committee and the world that the Warren Commission was wrong, that there were two gunmen after all, establishing a presumptive case for conspiracy.



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Not so fast. As we would find out later, Barger had grown more and more sharply aware, as the time to testify publicly approached, of the enormous impact his testimony would have. The implications awed him. The more he considered the matter, the less did he want his testimony, his analysis, to bear the whole weight of a conspiracy verdict. Cold feet.

The night before he was to testify Barger told senior staff people he was nervous, but the word didn't seem to reach the committee members, who convened their public session that morning still expecting to hear a possible scientific refutation of the Warren theory. Thus there was real surprise among them as it dawned that morning that they were not about to get that.

For Barger now seemed to be saying that there was only a 50-50 chance that there were four shots instead of three. It was 50-50 that one of the four shots was a "false alarm," and the shot among the four that would most likely not be a shot, after all, but a false alarm—that was shot number three, the positive shot from the grassy knoll.

One by one the reporters drifted out of the hearing room to phone in retractions of the morning's headline news. By three that afternoon the media were back on the lone-assassin team, looking smug, like people who had just survived a dangerous detour.

Actually Barger had merely allowed himself to be misunderstood. The point he was making to the committee was that the probability mechanics of his study allowed him to state with certainty that no more than two of these four shots were real shots. That all four were real was only 50-50.

The mass-media people were in no mood to absorb fine distinctions. They thought they had been offered a direct proof of conspiracy and then had it snatched back. They were tired of the whole thing suddenly. They might have bought a little conspiracy evidence, but they would not tolerate the sort of technical ambiguities and complexities that could not be snugly fitted into a standard news-story lead. There were either four shots or not, and if it can't be determined that there were four, then the assumption, please, will be that there were three and that the Warren Commission was right all along.

So the critics had no sooner stuck out their necks to get their medals than they found themselves in a noose instead. The reporters were again ready to write the whole thing off, more disgusted with conspiracy freaks than ever. "See?" one of them said to an AIB staffer at the lunch break that day, "there's nothing there at all." And when the AIBer begged leave to differ, he sneered, "You guys are just as crazy as Mark Lane!"

But if 50-50 on the knoll shot was a de facto win for the Warren Commission in the eyes of the media, it was fortunately not so viewed by the committee. Frankly, the committee could have gotten away with dropping the whole acoustics kaboodle right there. But the committee decided it had to move the probability of conspiracy off the 50-50 mark, one way or another, and that new tests were therefore required.

This was the point at which the two new acoustics experts were put under contract. Their assignment was to review the BB&N tests and carry out additional analysis to determine whether or not the existence of a second Dealey Plaza gunman was indicated in the DPD belt.

The new experts were professors Mark Weiss and Ernest Aschkenasy of Queens College, New York. They are said to rank with Barger in level of expertise. They, too, have done fancy acoustics work for the military. They, too, were court-appointed to study the Nixon and Kent State tapes.

And employing nothing more complex than the classical laws of the physics of the propagation of sound, plus accurate architectural and acoustical data on Dealey Plaza, Weiss and Aschkenasy found themselves scientifically forced to state with "a better than 95% certainty" that there were four shots and that the third of these was fired from the knoll. There were two gunmen.

That was the Christmas present the acoustics people handed the committee on December 29, 1978: scientific proof of conspiracy.

Was this a verdict that the staff, the committee, and the Congress had wanted to come up with? On the contrary. The new advocates of conspiracy theory were dragged kicking and screaming the whole way. They had not wanted this result.

But once they had found this evidence, there was little they could do but face its implications and speak the words, "conspiracy probable in JFK assassination." Chief counsel Blakey was in a sense disarmed by his own weapons in this climax. It had been his strategy, as a lawyer confronting certain technical problems of proof, to define "best evidence" as "scientific evidence," and to give less weight to the things people said they saw or heard. He was saying in effect, "You can be fooled by what you think you hear or see. Let's see instead what kind of facts we can ascertain through the use of objective scientific examinations of material pieces of evidence. Whatever can be determined scientifically will be regarded as having been determined absolutely, and any contradictory direct testimony—I saw this, I heard that—will be discounted."

This is why, for example, Blakey was forced to insist that all shots that hit JFK were fired from behind. He had a body of "medical evidence" consisting basically of x-rays. The nature of these x-rays was such that expert study of them could determine the physical details of the shots. And one of the details shown by the x-rays, said Blakey's medical panel, was that the headshot bullet came from behind. Therefore, any evidence indicating that the headshot came from the front—the Zapruder headsnap, certain eyewitness testimony—would simply have to be refuted or discounted or explained away. The scientific evidence was the best evidence, and the best evidence would predetermine the value of all the other evidence: good if it supported science and bad if it did not.

Now this self-same standard of evidence had reversed its bearing and was committing Blakey and the committee inexorably to a conspiracy conclusion. Science was best and science said two gunmen, period. A government body that was very probably created to silence the conspiracy buffs, freaks and paranoids now found itself cast among them.

ELITE REACTIONS

As all know, the overwhelming majority of the American people have thought pretty well all along that the Warren Report was not the last word. But this is absolutely the other way around among the "issue elite," the politicians and media groups who produce the picture of the world we see in the evening news and the daily gazette. If eight out of ten ordinary people believe JFK was killed by a conspiracy, then eight out of ten reporters, eight out of ten academics, eight out of ten politicians, eight out of ten arbiters of fashionable opinion believe that Warren was essentially correct, that there was nothing to gain from further questioning, that there was nothing new or significant to be learned, that the whole thing didn't make any difference anyway. Remember this always, that such have been the views of the mainstream "makers of public opinion," in diametrical opposition to what that opinion actually is.

And these makers have been ruthless in their error. Bad enough to refuse the truth, how much worse to calumniate as well those who will not do so. In a past issue of *Clandestine America* (Vol. 2, #1), we cited an especially noxious *Washington Star* editorial (12/9/77) which dared suggest that the money spent by this committee would have been better spent on finding "a pill" with which "to neutralize the peculiar body chemistry of compulsive conspiracy theorists."

Well, time went by, the committee heard the arguments, weighed the evidence, and concluded that Warren and the *Star* and those of like mind were wrong. There was a conspiracy, after



all. How now, *Star*? Do we hear an apology? A little self-criticism? Nothing of the sort enters the *Star's* mind. Right straight on it marches with its hackneyed arrogance. "Modern witchcraft," it grumbles of the acoustics evidence, "esoteric," "highly inferential," "exiguous."

Then worse, on its news pages of March 16, the *Star* unleashed its Jeremiah O'Leary in an incredible-to-behold effort to muddy the acoustics issue by quoting radically out of context certain passages from the final report submitted by Weiss and Aschkenasy in order to make it appear that these two experts had reconsidered and retracted their former testimony on the front page.

Nothing of the kind was the case. The *Star* story is child's play to see through for anyone the least educated in the issue. But to the lay public, the impression will have been supported that there is something serious to argue about in the acoustics evidence. Perhaps there will prove to be, but that will be revealed to us *only* by new scientific work on the dictabelt, not by O'Leary's clumsy deceptions or the ignorant posturings of the *Star's* editorial writers.

The thought returns and abides that even more contemptible than the role of the agencies and institutions of the federal government in the JFK affair has been the role of the independent mass media. It is they most profoundly who deformed the facts and distorted the public context of the Kennedy debate, and who continue to do so even after the evidence against them is definitive.

The media elite will eventually come around on JFK, nevertheless, if only in their inner mental set. We noticed with bemusement the all but prurient investigative zeal with which the *New York Times* prowled and reported the Nelson Rockefeller death-bed scene. On this kind of gossip the big media will all be weekend-warrior conspiracists. But they will still fail to report the JFK case responsibly because they are so afraid of it, no doubt properly so, since they have so badly burned themselves on it in the past.

But probably it doesn't matter. If 80% of us can see through the Warren concoctions when 80% of the mainstream opinion elite are preaching to us how solid these concoctions are, then what the "opinion makers" think and say must not make that much difference.

WHAT TO DO NOW?

The big question now pending as the final report's publication date keeps being slipped back (we are now told to look for the printed final report by May 1st) is what kind of response will the report get from the Justice Department. Justice might say, "Ah ha! The culprits are still loose. To horse!" But it also might say, "Alas, too late, the whole thing is too boring."

The initiative has yet to shift formally from the committee to the Justice Department because the report has not yet been published, so even though the committee stated its essential findings last December, Justice has not yet been obliged to say what it means to do. No doubt persons of some inner sanctum have been using this winter hibernation to mull the question over, and the step we finally see taken by the government will be well considered. The committee is careful in its final report draft to caution Justice against seeing its options too simplistically. "The choice," reads the draft final report's last paragraph, in part, "is not between a full-scale reopening of both cases or making an effort to forget them. There are in both cases limited areas that may profitably be explored further. What the committee found out in both cases that previously had not been known must be used for rethinking what was done before."

The problem here is that these "limited areas" would all apparently involve the FBI, so that if one favors re-opening the case, one finds oneself in the bizarre position of arguing for the FBI to take it up.

No way. The FBI, poor thing, stands *indicted* in this case. It stands exposed in moral and all but legal complicity in the murder of King. It stands accused of the grossest misfeasances in the JFK investigation, including the destruction of primary pieces of physical evidence and the deliberate deception of the Warren Commission on significant matters of circumstance. The FBI may not be exactly a suspect in these murders, but neither is it a blameless bystander.

There are certain tasks, clearly, that the FBI should carry out. The FBI should do the two things the committee asked of it in its December report. First, the FBI should review the acoustics results and either confirm them or challenge them through additional technical analysis. Second, it should enhance the relevant 92 frames of the Bronson film (see article this issue) to see if the "lone assassin" had company in the sniper's nest. They should do these two things because they lie within the province of objectively verifiable scientific work and the political subjectivity of the Bureau can be factored out with comparative ease. But there can be no thought of conceding the FBI a controlling hand in the official investigation to come.

The assassination-conspiracy question takes us into the heart of American darkness: What role the Mob? What role the police? What role the intelligence agencies and the covert-operations elements? What role the military and other foreign powers? What role the political system?

A whole separate, independent investigative capability is required to probe such questions. It will have to be recruited from the existing agencies, but it will have to be run by an office as detached as possible from the regular government.

The *Philadelphia Inquirer* is the one and only major American daily newspaper the AIB has seen that squarely faced this requirement. "Because of its actions," said the *Inquirer* in an editorial of January 4, 1979, "any findings by Justice [i.e., the FBI] would be suspect, particularly if it should determine that there were no conspiracies in either case." Therefore, President Carter should "appoint a special prosecutor, independent of the Department of Justice."

The AIB supports this idea. Appointment of a special prosecutor represents the best possible further official development of the case. The problem is that it also requires President Carter to act, and Carter may have reasons for not wanting to act.

FUTURE CRITIQUE

As for our critical community, besides agitating however we can for a special prosecutor, we no doubt have very real and quite different kinds of tasks confronting us. My own sense of these (I will not try to be programmatic) will appear in the following observations.

a. There is no need to keep pounding on a long-locked door whose hinges have just sprung loose. The closed door to the JFK assassination will never come unbolted. Like every really important closed door, it comes open first by the wrong side.

Just so with this select committee. From the critics' standpoint, it did everything wrong. It coddled sensitive witnesses like Marina Oswald Porter, Richard Helms and Dr. James J. Humes. It sucker-punched critical witnesses like Robert Groden, Cyril Wecht, and Jack White. It let itself be bullied by the CIA. It led off with a strong anti-critical, no-conspiracy snobism.

But in spite of all that, it turned the JFK case around. To be sure, momentum can very easily be lost again, but as of spring 1979, there is a better chance of forward movement in the case than ever before. And that is because this anti-conspiracist committee, despite itself, found conspiracy.

b. My impression is that some critics have a hard time seeing this and taking it into strategic account. It means something that a congressional committee has essentially supported the critics, even if it was trying to destroy them. Some of our fellow critics find it tempting in this circumstance to vent their feelings against



the committee. They have reason, but they should recall that the sage warned us of old to celebrate our victories as funerals and keep our eyes open.

c. The other side of the same coin, however, is that the struggle over the truth is about to go to new levels of intensity. The article on the committee that Jeff Goldberg and I recently wrote for the *Washington Post* ("Did the Mob Kill Kennedy," 2/25/79) provoked a small but measurable reaction from the underhaunts of New Orleans, wicked city, home of Mafia superthug, Carlos Marcello. The monsters one has long recognized through pure interference thus materialize within our tangible world. It gives one a thrill of dread to behold it.

This, I hope, is not to sound too deliriously paranoid or self-dramatizing. It is a basic fact about the new situation which all critics and critically-minded people should bear in mind.

d. The JFK question bears subtly and powerfully on the situation of presidential politics as we start toward the 1980 elections. We would not pretend to know all the ways and reasons why. We merely point out again that the previously buried partisanship of the assassination committee members were rudely awakened by the conspiracy conclusion. There is a lesson in that. The sense here is that the innermost struggle going on in the country, to the extent that such a thing could be represented at all adequately in the careers of any two public figures, is going on between John Connally and Ted Kennedy. If there is or was an anti-Kennedy conspiracy in the same sense in which there was or is an anti-Castro conspiracy, then its exposure and containment are obviously basic to Kennedy's ability to survive and endure in this struggle. Sooner or later will come the moment of truth.

e. The question of Martin Luther King's murder is not to be slighted. But the link between the assassination of King and the national power struggle underlying it is actually best seen in connection with the Robert Kennedy assassination. That is because King and RFK were murdered within a few weeks of each other and their deaths were equally of a piece with the general context of 1968.

The Kennedy coalition that exploded at Dallas in 1963 was a northern liberal coalition with the conservative Democrats of the south and southwest, straight out of the FDR handbook: liberal north plus conservative south equals certain victory at the polls, even if it also equals enormous internal problems.

But RFK's coalition of 1968, which implicitly included King and King's constituency, was totally different. By 1968 the remnants of the JFK coalition had been destroyed by the Vietnam war and the domestic protest movements. Thus, as "Old South" Johnson resigned, RFK forged a coalition with the "New South" with the forces represented by King. The formation of that "New Politics" coalition, the RFK-King coalition, defined the general situation in which King and RFK were assassinated. That is why it makes more sense to study King's and RFK's assassinations together. Only in the context of 1968 does it become clear how *political* was King's assassination, how heavy was the impact it had on the processes of the system of power. When we take the King case in the same breath as the JFK, we tend to start feeling it as an event of 1963, thus distorting and sentimentalizing it. King's assassination as a study in raw national power politics will come more to the foreground and better in focus as the revision of the history of the U.S. 1960s continues to gain ground.

— C.O.

NOTES ON THE DRAFT FINAL REPORT

The committee's final report is not yet published as of our press deadline, and present indications are that the final printed form, with such supplementary technical reports and dissents as may be included, will not be available before the first of May.

The AIB has had an opportunity, however, to review the approval draft being circulated to the committee members. Our review was brief, a few hours, and we warn that our notes on the text, following, are in no way exhaustive. But for conveying the general feel of the report, they may be of some interim interest.

The report reads well. The story is inherently fascinating to most eyes, and chief writer Richard Billings has achieved a direct, simple prose that nicely sets off the sometimes difficult material.

JFK —

The first chapter tells the history of the committee. It is no doubt quite sanitized. The epic shouting matches between Henry Gonzalez, former chairman, and Richard A. Sprague, former chief counsel, are conspicuously avoided. There also seems to be little sense conveyed of the history of the JFK issue. The chapter is less than five thousand words.

The book then breaks into the first of its two primary parts, the JFK case. The second part covers the King investigation. A brief third section sets out the committee's recommendations.

In the copy the AIB saw, an opening chapter called "The Kennedy Years" was missing, presumably not yet final-drafted. This was too bad, because the degree of historical sophistication with which the committee represents the Kennedy administration will have much to do with the credibility of its picture of the assassination. In particular, we are eager to see how the committee means to analyze the relationships existing between JFK, the anti-Castro cabal, and Castro.

● A chapter called "On Conspiracy" follows, some 15 thousand words. It tells us that the committee carried out a "three-pronged investigation of a possible conspiracy in the Kennedy assassination." The first prong went to scientific tests and the analysis of Dealey Plaza witnesses. The second "explored Oswald and Ruby contacts for evidence of significant associations, but, unlike the Warren Commission, it found certain of these contacts to be of investigative significance." And third, it "examined groups . . . that might have had motive, opportunity and means" to kill the president.

The findings of conspiracy, says the draft final, was based on four factors. First, the Warren Commission's no-conspiracy finding "cannot be given independent weight" because the commission's investigation into the possibility of a conspiracy was seriously flawed." Second, the Warren Commission "was in fact wrong" about Oswald's and Ruby's associations. Third, even though the committee thinks it can definitively clear the CIA, the FBI, the Soviets, the Cubans, and the larger crime syndicate, it also takes care to say that "a more limited conspiracy cannot be ruled out." And fourth, "a second gunman in fact fired at the president."

What the committee has in mind here, put in the barest possible terms, is a "limited conspiracy" involving Carlos Marcello, Santos Trafficante, Jr., and James Hoffa, but somehow operating through Oswald.

However, the report stresses that the conspiracy proved by the knoll shot could be a small one—Oswald plus one—and asserts that the fact of conspiracy would in that case be of no social significance. If the conspiracy was of small scale, the committee thinks Oswald's motive would have been a leftwing one.

● Then comes an "Acoustics" chapter, about 12 thousand words long, laying out the acoustics evidence as presented by



the technical experts Barger, Weiss and Aschkenasy, and taking up the various objections that their testimony has been met with.

Bottom of it: "Scientific acoustical evidence establishes a high probability that two gunmen fired at President John F. Kennedy."

● A chapter called "Oswald" (10 thousand words) concludes that Oswald fired three rear shots and that the second and third shots hit. Oswald is painted as a true defector to the Soviets, a true pro-Castro leftist, and a mentally disturbed man capable of political assassination.

Here we interpolate an aside on this vastly important question of the identity and motive of Oswald. This question gave the Warren people a problem they could not solve, and true to that tradition the current group remains. The committee's portrait of Oswald is the weakest, most myopic part of its visualization of the crime. The committee simply never seems to have asked: "What if Oswald were really innocent?"

And it is not a small fault. As we find in a later chapter of the report (below), the committee does in fact realize that Ruby was probably acting on assignment, not impulse, when he killed Oswald. Moreover, the committee appears to realize that if this is truly the case, this "would raise questions of the utmost seriousness regarding the character of the president's murder."

But the final report abruptly stops short of making these weighty questions explicit. What are they? Would the existence of a Mob plot to kill Oswald not imply that Oswald might have been framed? And since the committee appears to think that Ruby acted as part of a Mob plot to kill Oswald, the question fairly shouts itself: Why did the committee, in spite of indications it might be wrong, continue to insist that Oswald was a participant in the Kennedy assassination?

The best part of the committee's reconstruction of the assassination story, in fact, is the part about Ruby. Light cast upon Ruby is, by refraction, light cast upon Oswald. If we knew why the Mob killed Oswald—if it did—then we would know what Oswald was. The whole Ruby-Sunday side of this case remains relatively underdeveloped because of the immense preponderance of attention given over to Dealey Plaza. The committee's work, however, makes it safe to say that the comprehension of the Oswald murder is now the same as the comprehension of the Kennedy murder. "Who killed LHO?" is the same question as "Who killed JFK?"

The report almost brings this out. It shows us Ruby's syndicate ties and history in awesome panorama. It helps us feel the crescendo of his pre-assassination contacts with some of the most ruthless mob killers in the game, all of whom were close to the very crimelords whose hatred of the Kennedys was most intense. The report shows us Ruby, that Sunday morning, coordinating his movements to the killing ground with "assistance" from someone inside the Dallas jail, a quiet way to suggest a finding that the police were corrupted.

But the report never seems to add it all up. It outlines the Ruby-conspiracy theory persuasively and with apparent conviction, but then on the question of what the devil such a thing might mean, it tries to hide behind the narrow little cliché, "questions of the utmost seriousness."

What questions? The report ought to say that. It ought to say, in so many words, "If Ruby hit Oswald for the Mob, then the Mob wanted Oswald dead. Why would the Mob want Oswald dead if Oswald was just a bummed-out loner gone over the edge? He just solved their main problem. Why would they want to kill him? And if Oswald was *not* the president's assassin, hey, who was he?"

But the report will not budge from a Warren-level faith that, whatever else may be revealed, Oswald fired shots at the president. Not to ask too much of this committee, but this obtuseness does create a major conceptual flaw in the final report. The report indeed suffers needlessly for insinuating airily these mysterious "questions of the utmost seriousness," only to leave them hanging, unexplicated, unresolved, not even posed.

End of digression.

● "Soviet," a short chapter, proves the Russians didn't do it.

● "Anti-Castro Groups," another 10-thousand-word chapter, lays out the history of anti-Kennedy feelings within the anti-Castro groups. Goes into Veciana/Bishop, Alpha 66, 544 Camp Street, Ferrie, Banister, et al.

● "Organized Crime," about 15 thousand words long, is the longest chapter in the JFK part. It takes up Ruby's associations first, then Oswald's.

This is where the report raises and then dodges the question we chewed on above. Was Ruby "part of a sophisticated plot to murder Oswald?" We like the question, but, as noted, we think the report badly fails to get into it. However, this chapter does offer a good review-summary of Ruby's underworld ties, drawn well into focus, not dismissed as in Warren. Indeed, the committee appears here to be well satisfied that Ruby was a man of the underworld who was acting as such when he killed Oswald: "The committee concluded, moreover," reads the report in a crucial passage, "that Ruby's shooting of Oswald was not a spontaneous act and that it involved at least some elements of premeditation. The committee further concluded that it is highly unlikely that Ruby entered the police basement without assistance."

● Oswald as assassin, implies the committee, was a boy on a man's job. This complicates the theory that he was acting the assassin's role for an organization as serious as the Mob. But the report continues that organized crime carries out "gangland style" killings only when the signature is needed as part of the point. The report cites the counter case of labor writer Victor Reisel, who was blinded by acid in 1956 by "an unreliable drug user" later slain by the syndicate types "who had recruited him into the plot."

● Oswald's possible contacts with the New Orleans underworld are also reviewed here. These include his mother, Marguerite, who may have known certain Marcello lieutenants socially; his uncle, Charles Murret, a bookie within the Marcello system; and the associate of Marcello's captain, Nofio Pecora, who bailed Oswald out of jail when he was arrested as a result of the pamphlet scuffle with Cuban exiles.

This section concludes with a discussion of Hoffa's infernal hatred of the Kennedys, his closeness to Marcello and Trafficante, and the possibility that he might have been a top member of a Kennedy-assassination conspiracy. The report reveals that Robert Kennedy's initial thought upon hearing of his brother's death was that Hoffa might have been involved.

● A six-thousand-word chapter sets out the evidence on the Secret Service, the FBI and the CIA and determines they are all innocent.

● A chapter of about the same length names the respects in which the governmental agencies failed their security task before the assassination and their investigative task afterwards.

● Separate appendix volumes will contain the reports of the scientific panels on forensic pathology, firearms, acoustics, photography, handwriting and fingerprinting, and polygraph analysis, and the staff reports on organized crime, anti-Castro Cubans, and the Nosenko case.

KING —

The King assassination has a long introduction (12 thousand words), a 17-thousand-word chapter on "Ray," and a 23-thousand-word chapter on the "King plot."

● "The committee believes, on the basis of the circumstantial evidence available to it, that there is a likelihood that James Earl Ray assassinated Martin Luther King as a result of a conspiracy."

The motive: neither "race nor psychology [is] an adequate support for [Ray's role in] the assassination," nor solely his "need for recognition and ego-fulfillment." The committee therefore turned to a third possibility: financial reward.



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The conspiracy was most elementally, thinks the committee, a conspiracy of the three Ray brothers. "Despite denials of the Ray brothers, the committee is convinced that there was substantially more contact among the brothers than they are willing to concede."

- A major question has always existed as to the source of Ray's rather copious funds, and the committee thinks this source was the previously unsolved robbery of the Alton Bank in Illinois. "The committee believed, therefore, that the Alton Bank robbery was the primary source of Ray's funding during the 14-month fugitive period."

- Raoul, the mystery figure Ray says guided him around the country, the committee thinks must be a composite of his brothers. "The committee investigation has produced no evidence to corroborate the existence of Raoul. . . . The committee believed that Ray's post-assassination tale of 'Raoul' was fabricated to conceal contacts with one or both brothers."

- The committee explored the claim that a group of neo-Confederate racist businessmen and criminal operators, through a secret organization called the Southern States Industrial Council, had put a \$50,000 bounty on King's head. Known as the St. Louis conspiracy, this little deal's two leading figures were John Kauffman and John Sutherland, both now dead. "The committee uncovered enough evidence to be convinced that the [Russell] Byers allegation [of the St. Louis conspiracy] was essentially truthful. There was in existence, in 1966 or 1967, in St. Louis, a conspiracy actively soliciting the assassination of Dr. King."

- Final conclusions: The King conspiracy investigation "proved frustrating. Only circumstantial evidence was developed. Direct evidence that would connect St. Louis to Memphis [i.e., the Sutherland-Kauffman group to the Ray brothers] was not obtained." "Nevertheless, in light of the several alternate routes established by the evidence through which information of the offer could have reached the assassin, the committee believes it was likely that James Earl Ray was aware of the existence of this conspiracy."

"No evidence of a pay-off to Ray or his brothers was found either before or after the assassination," but there were indications that the Sutherland-Kauffman group intersected with the American Independence Party of George Wallace, such that the committee can state: "It was in these campaign activities [of the Wallace party] that the committee found the most likely connective between James Earl Ray and the St. Louis conspiracy."

- In a 14-thousand-word chapter the committee goes into "miscellaneous allegations" and concludes "that no private organizations or individuals, other than those discussed under Section B [i.e., the St. Louis conspiracy], were involved in the assassination of King." Other groups discussed and dismissed in this section include the KKK, the Minutemen, the National States Rights Party (J.B. Stoner), organized crime in Memphis and New Orleans, and Leon and Claude Powell.

- The last chapter of the King section (10 thousand words) goes into the question of "government complicity." FBI problems are rampant in two areas. First, the FBI's massively-documented pre-assassination attempts to destroy King's leadership. Second, after the assassination, its refusal to investigate conspiracy leads, restricting its efforts to the search for Ray.

- Separate appendix volumes will contain the reports of the committee's scientific panels on forensic pathology, firearms, engineering, handwriting and fingerprinting, and polygraph analysis, and the staff reports on "the FBI investigation of the King assassination," "the James Earl Ray guilty plea," "Ray's trip to New Orleans in December 1967," "King assassination witness Charles Stephens," "the American Nazi Party," and "alleged racial incidents involving James Earl Ray."

— C.O. with J.G.

To our readers:

As you note, this is a double issue, our fattest issue yet at 16 pages. This reflects two conditions. One is that the activity of the assassination-conspiracy debate has been very high and there is much to talk about. The other is that throughout this whole winter and now on into spring, the AIB has been kept functioning by only two people. It has been impossible for us to maintain the daily round of work—following the hearings, keeping in touch with the committee, with the media, with people on the hill, maintaining our own longer-term research and investigative efforts, keeping the office in shape, answering the mail, trying periodically to raise money—and at the same time put out a newsletter once every two months, our normal schedule. Judging from reactions to the double issue we published this past winter, it suits our readers to have less frequent but larger issues, so we decided that since it seems okay with you and makes things much easier for us, we'd leave it for a while on this footing. Unless we hear a round of vehement objections, your next newsletter will come in August.

We trust that we need remind none of our supporters that we need their support. We have already made that point several times in past issues. It continues to be true, however, and we wonder if a gentle prodding would shake loose a little spare change from those who like the work we've been doing in Washington. We have helped make people of official Washington and the big media take the conspiracy question more seriously and get past the peculiar snobism that has blacked out this question for polite minds.

The thing is moving and we can use your help.

Cheers,
The Editors

HSCA VOLUMES RELEASED

As we go to press the HSCA's printed volumes of hearings and exhibits for both JFK and MLK are being issued by the Government Printing Office (GPO). These volumes are officially titled: *Hearings Before the Select Committee on Assassinations of the U.S. House of Representatives, Ninety-Fifth Congress, Second Session*.

Although no final details have been set, it appears that all of the Kennedy and King hearings will be out by early April and will run to between 15 and 20 volumes total. This does not include the final reports, investigative summaries, or scientific reports, which will follow by May 1 and total an additional 10 to 15 volumes.

All volumes should be ordered from the following address:

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402
[(202) 275-3030—GPO Congressional office]

The following volumes (with individual serial numbers) have already been released: Vol. 1, #052-070-04768-2, \$4.25, MLK-August 14-16; Vol. 2, #052-070-04769-1, \$4.75, MLK-August 17; Vol. 3, #052-070-04770-4, \$5.00, MLK-August 18; Vol. 4, #052-070-04844-1, \$4.00, MLK-November 9-10.



MEDIA REACTIONS

Nobody quite expected the mass media to roll over and play buff merely because a few acoustics experts had given the world scientific proof of conspiracy. Old ways die hard.

Nonetheless, it has been quite an education to see the editorialists of the nation go to work on the problem of the JFK acoustics evidence. Following is a compendium of the choicer utterances.

The *New York Times* (Jan. 7, 1979) leaped directly into a metaphysics of language to hit at the use of the word "conspiracy." "To the lay public," the *Times* intoned, as though it were talking to somebody else, "the word is freighted with dark connotations of malevolence perpetrated by enemies, foreign or political. But 'two maniacs instead of one' might be more like it."

The *Washington Post* (Jan. 6, 1979) was very angry. The conspiracy finding, it noted, "appears to be based solely on scientific, acoustical evidence," and it found that not to its taste. "All that is left is a theory of conspiracy stripped of the international or domestic intrigue on which many of the Warren Commission critics have focused . . . There seems little reason for the Justice Department to use its resources exploring the dead ends and pursuing the cold trails that the committee is presenting it in the Kennedy case . . . Leave the matter where it now rests: as one of history's most agonizing unresolved mysteries." Quite an amazing position to take, when you look at it. On one hand, agony, mystery, unresolution. On the other, take two aspirin and try to sleep it off.

Or take the *Washington Post* columnist, Richard Cohen (Jan. 7, 1979): "This is . . . a conspiracy between Lee Harvey Oswald and someone like him—Oswald Harvey Lee. Make up a name. It's a clone of the same man. He allegedly fired the shot that never hit, if he fired it. If he was there . . . The fact of the matter is that I no longer know why I believe what I believe." Well put.

Newsweek (Jan. 1, 1979): Conspiracy theory is "sorely lacking." "Many people may question the use of arcane mathematical and computer techniques to recreate complex physical events from a crackly tape." *Newsweek* further misinformed its readers by saying, falsely, that "the recording [of the gunfire] . . . was never made available to the Warren Commission."

The *Boston Globe* (Jan. 4, 1979) could not resist the usual dig at the motives of the independent critics who have led the chase so far. "For those who have long propounded conspiracy theories for both murders, the report was, in its bizarre way, reassuring." Then as though by deep reflex the *Globe* moved to defuse the implications of the new evidence: "The conspiracies the committee seems to perceive are of a much lower order, involving the private hatreds of private men." Whatever that means.

The *Chicago Tribune* (Jan. 5, 1979) huffed, "This is scant value for the time and money spent . . . We beg to be spared from any more of these 'official investigations' which squander money and produce little but more speculation."

The amazing heights to which no-conspiracy editorialists can soar when pressed by hot evidence is not a spectacle confined to the bigger papers.

The *Cedar Rapids Gazette* (Jan. 4, 1979), for example, really unloaded on the conspiracy finding. The acoustics analysis, it sneered, gave us "no hard goods to see and touch . . . What Congress has come up with on the Kennedy assassination, as it stands, establishes a plot behind it no more solidly with saying one was there than someone else's saying there was no conspiracy refutes a plot. The scientific shot-tape data no more clinch the presence of conspiracy than radar blips and pictures of something on film establish UFOs as bringing visitors from outer space."

The *Indianapolis Star* (Jan. 9, 1979) roared, "It is old, rehashed stuff. . . The pointlessness and lack of substance of this outlandishly expensive venture is amateur detective play and

theatrics is [sic] measurable in terms of its failure to produce any solid new lead or body of evidence sufficient for so much as one criminal indictment."

The *Norfolk Virginian-Pilot* (Jan. 4, 1979) also put a very confident face on to tell its readers: "But after all the hullabaloo by conspiracy entrepreneurs, neither the House Select Committee nor anyone else has unearthed persuasive evidence of far-reaching plots to kill Mr. Kennedy or Dr. King. Those compelled to seek the sinister in high places and law will not be reassured, but, alas, they never are."

Denver's *Rocky Mountain News* (Jan. 4, 1979) assured its readers that the conspiracy question was based "solely on the belated analysis of a fuzzy tape recording that may well be questioned by other experts . . . The verdict of the Warren Commission stands unshaken."

The *Austin American-Statesman* (Jan. 4, 1979): "Conspiracy buffs don't need supportive evidence to bolster their conclusions. But the majority of the American people is not so credulous as to believe everything it hears, especially on tape."

Said the *Phoenix Republic* (Jan. 3, 1979): "It was time and money wasted."

But here and there, twinkling away in the vast night of the media's collective mind, there were points of brilliance, little stars of understanding and elementary intellectual honesty, and one of these was the Keene (N.H.) *Sentinel* of Jan. 25. The *Sentinel* editorialized when the acoustics results first came out "that it would be interesting to observe the reaction of those in the media who had been assuring us for 15 years that Oswald had acted alone and that any suspicion to the contrary was the result of a psychological inability to believe that a lone madman could kill a president." The editorial then mentions many of the reactions of "lone-assassin buffs"—a nice turn of phrase, that—which we have ourselves been reviewing here. We liked what the *Sentinel* had to say:

"If, as a nation, we are disinclined to examine possible conspiracies when our leaders are shot down in the street, perhaps we would be more honest to pass a constitutional amendment stipulating that, in the future, prominent Americans can be assassinated only by deranged individuals acting alone. That would clear the air."

— J.G. and C.O.

OTHER REACTIONS

(The following is a composite of quotes compiled from press accounts since January 1, 1979.)

Marguerite Oswald—(Lee Oswald's mother)— " . . . the select committee has done its work, tried hard, they are men of integrity, but they made the same mistake as the Warren Commission. My late son Lee Harvey Oswald was framed for the murder of President Kennedy . . . They are saying in effect that Lee Harvey Oswald was one of the gunmen and I will emphatically say they are wrong . . . I hope and know the future will vindicate my son entirely. I welcome further investigation and believe it is mandatory."

Marina Oswald— "Your guess [about the Committee's conclusions] is as good as mine. I've really got no comment on it . . . and have not been keeping up with it."

Jesse Curry—(former DPD Chief)— "I don't know how it could make any different at all, now . . . I've always said it was possible that there could be a conspiracy. I don't know whether they'll have another big investigation on this latest thing or what."

Henry Wade—(Dallas District Attorney)— "There have been at least 15 books written that say there was firing from the grassy knoll, haven't there? I have no idea if there was a conspiracy or not. I doubt the committee knows. If they bring us a body and say he is a conspirator, we'll prosecute him . . . There are still people



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questioning whether John Wilkes Booth killed Lincoln."

Will Fritz—(Retired DPD Homicide Captain)— "As far as I'm concerned, it was finished a long time ago. I'm not concerned with it any more. I didn't see any evidence of conspiracy."

J. Gordon Shanklin—(Former Dallas FBI Chief)— "I think (the Committee) can still go back and see all the allegations that were made and how they were run out. I know of nothing we didn't run out. That's all I can say about it."

Waggoner Carr—(Former Texas Attorney General)— "I am very doubtful of it. I do not feel four shots were fired. They're still debating the death of President Lincoln. Further investigation would do nothing but raise additional doubts. Unless something definite comes along, they should close the books and let the Kennedy family relax."

David Belin—(Counsel to the Warren and Rockefeller Commissions)— "Congress is just plain wrong. There was no second gunman firing from the grassy knoll. I've seen lots of expert testimony where people differ. Just to look at the acoustical testimony without looking at the overall record is like blindfolding yourself and trying to tell what an elephant looks like by feeling its trunk."

Albert E. Jenner—(Assistant Counsel to the Warren Commission)— He called the HSCA conclusion, "a great disservice to the American people. These professors say they heard another shot and the committee jumps to the conclusion that there was a conspiracy. That is thoroughly illogical. They say they heard another shot, but nobody ever said they saw anyone with a gun."

William Manchester—(Author of *Death of a President*, 1967)— "This gives further fuel to the conspiracy business that has been exploiting the grief of the nation." The conspiracy theory, he said, "upset him and goes against all the evidence."

INTERVIEW: DAN MOLDEA

Dan E. Moldea's *The Hoffa Wars* (Paddington-Press, 1978) is earning quick recognition as an important contribution to the understanding of the politics of the JFK assassination. The author sat for an interview at the AIB's Washington office in mid-March, 1979. The following is an edited transcript.

—J.G.

AIB: Could you explain your theory for the basis of Hoffa's underworld support from the time just after the Kennedy assassination until his release from prison in 1971?

MOLDEA: After the Kennedy assassination, in November of 1963, Hoffa's primary supporters for keeping him out of jail were Carlos Marcello of Louisiana and Santos Trafficante of Florida. Northeastern crime families were for all intents and purposes beginning to withdraw support from Hoffa, because he was in so much trouble and starting to draw heat to them.

During the early 60's there were two serious Mob wars which had broken out in New York. One was called the Profaci War and the other, which came later, was called the "Banana War." The Profaci War lasted from 1960 to 1962, and was basically an internal family matter where two subordinates were trying to get a bigger share of the action from the boss, Joe Profaci of Brooklyn. The Zerilli and Tocco families of Detroit were related to Profaci. I apologize for making this sound like a Russian novel with Sicilian names, but it's absolutely necessary to the whole story. The National Crime Syndicate and its commission had decided that the Profaci War was an internal family feud and told everyone to stay out of it. Zerilli and Tocco, even though they were related to Profaci, decided to stay neutral in the war. And

when Profaci died in 1962, Zerilli was rewarded with a position on the commission to replace Profaci.

Joe Bonanno of New York, on the other hand, was also related to Profaci, but he did not stay out of the war. He supported Profaci, and this led to the so-called "Banana War" of 1963, which lasted until 1969.

All of this background information is of primary significance to Hoffa as we will soon see.

During the early 1960's, Mrs. Hoffa had had an affair with an underworld figure named Anthony Cimini who was under Joe Zerilli's jurisdiction in Detroit. When Hoffa found out about his wife's affair, he went to Zerilli and asked him to order Cimini away from his wife. Cimini balked at Zerilli's ensuing command and he was allegedly set up holding stolen securities and eventually was sent to jail. Mrs. Hoffa then came home.

Zerilli in turn wanted a favor from Hoffa, and according to my sources, that favor was for Hoffa to leave a friendly person in his place when Hoffa went to jail. That friendly person, of course, was Frank Fitzsimmons, who was also from Detroit and who was also quite well connected with the Detroit underworld.

Marcello and Trafficante continued to support Hoffa even after he went to jail in March of 1967. Joe Bonanno, who had arranged his own disappearance from 1964 to 1966 to avoid government prosecution and mob reprisals for his actions in the "Banana Wars," had also gone to the South, to Arizona, and forged an alliance with Marcello and Trafficante. This triumvirate of Southern crime figures rivaled that of the Northeastern crime families, which were supporting Joseph Zerilli's selection of Fitzsimmons as the new Teamster president. While the Zerilli-led North backed Fitzsimmons, Hoffa's support was geographically centralized in the South.

While in jail in Lewisburg Penitentiary serving a 13-year sentence for jury tampering and pension fraud, Hoffa had made a prison alliance with Carmine Galante, who was the underboss in the Bonanno family. Also in Lewisburg was Anthony Provenzano, a captain in the Genovese family, which was warring with the Bonanno family. During his stay in prison, Hoffa and Galante both had fist fights with Provenzano. So what we had here was a little mob war going on in Lewisburg Penitentiary, which threatened to create a nationwide mob war between families in the Northeast and the South.

When Richard Nixon was elected in November of 1968, Jimmy Hoffa was supposed to be soon after released from prison, according to published reports. As I say in my book, John Mitchell and Frank Fitzsimmons had numerous discussions during this period of time. We do not know the actual substance of these discussions, but I believe and theorize, and label it as such in the book, that the substance of these talks between Fitzsimmons and Nixon's Attorney General was to make Mitchell aware of this dangerous situation that was brewing between the Northeast and the South. Fitzsimmons was telling Mitchell that the release of Hoffa would allow Hoffa to take his revenge on the Northeastern families while supporting his allies in the South with union pension funds and other favors. The Northern mob would try to protect their interests and a nationwide mob war could erupt out of the "Banana Wars" which were continuing in New York.

In February of 1969, less than a month after Nixon took office, the "Banana Wars" ended, and the Teamsters and the mob began to neutralize Hoffa's support in the South. Fitzsimmons' peacemaker was Chicago underworld associate Allen Dorfman, who was respected by both sides in the struggle. His job was to be sure that everyone got their share of the Union's billion dollar pension and welfare fund.

By December, 1971, when Hoffa was released from prison, I believe that Hoffa's underworld support in the South had been neutralized as a result of the 1969 decision to keep Hoffa in jail. In other words, the southern mob, Hoffa's primary supporters had been appeased by the union. Therefore Hoffa was no longer a threat.



AIB: Why then did the Mob need to kill Hoffa if he was, as you say, closed out and neutralized by Fitzsimmons?

MOLDEA: I believe that Hoffa was becoming an unpredictable as Sam Giancana of Chicago in the eyes of the underworld. And I believe that both of their murders were directly related to the Church Committee's closed hearings which were going on during the summer of 1975.

We know and can document that during the Senate Watergate Committee hearings Hoffa was leaking information to Ervin's Committee, via a source in Washington, as a means of getting even with Nixon, who had placed the restrictions on his commutation—which said Hoffa couldn't seek union office until 1980—and those members of the Teamster leadership who had engineered those restrictions.

During the summer of 1975, information had been leaked to the Church Committee that five underworld figures had been involved in the Castro plots before Roselli, Giancana, and Trafficante were brought in by Robert Maheu. Those five mob figures were Russell Bufalino, one of Fitzsimmons' principal supporters years later, and his associates from the Northeast. I believe that Hoffa was the original liaison between the CIA and the underworld in these plots before Maheu became involved and that Hoffa was responsible for bringing Bufalino and his associates into the plots. I also believe that it was Hoffa who leaked the names of Bufalino and his associates to the Church Committee via that same source he used during the Senate Watergate investigation. And if it's true that the assassination spun off from the Castro plots, then Hoffa, by leaking this information to the Church Committee, was jeopardizing the underworld's darkest secret. This is the reason why Russell Bufalino authorized the murder of Jimmy Hoffa in July, 1975.

AIB: How was Jimmy Hoffa killed?

MOLDEA: As I indicate in my book, Hoffa thought he was to meet Anthony Provenzano and a Detroit gangster at a suburban Detroit restaurant. At the restaurant, the government believes he was picked up by Charles O'Brien, Hoffa's "foster-son", and the brother of the Detroit mobster.

Hoffa was taken to a nearby private residence where he was allegedly greeted by three men who were known associates of Anthony Provenzano. Hoffa was shot and killed, the government believes, and then his body was disposed of from there.

There was a report previously that Hoffa's body was put in a paper shredder, but this report [in Steven Brill's *The Teamster's*] has been refuted by the government. The fact of the matter is that the best information the government has is that Hoffa's body was stuffed into a 55 gallon drum and shipped by a particular trucking company to an unknown destination. The government does not have solid information as to the final disposition of Hoffa's body.

My own information on this, however, comes from Charles Crimaldi's 1976 biography. Crimaldi was a Chicago underworld figure associated with Giancana, who indicated that Hoffa's body had been crushed and smelted.

AIB: How has the government performed in going after and prosecuting Hoffa's killers?

MOLDEA: The people who were allegedly involved in it are Russell Bufalino, who allegedly authorized it; Anthony Provenzano, who allegedly had the contract; the three men who allegedly carried out the contract; the man who picked Hoffa up; and the man who allegedly picked up the three Hoffa killers at the airport. All of these men are having severe legal problems right now.

Russell Bufalino has been indicted and convicted for extortion, and is serving a four-year stretch in prison. Anthony Provenzano was convicted for pension fraud and for murder and is serving a

long stretch in prison. Charles O'Brien, the man who allegedly picked up Hoffa, has been indicted and convicted twice. The others have either already been indicted or will soon be indicted with the exception of Salvatore Briguglio, who was murdered last year.

I think the government is doing an excellent job with this case under the circumstances, but the government still has not made as full a commitment against the underworld as the problem deserves.

WHAT DOES JIMMY KNOW?

Aldena (Jimmy "the Weasel") Fratianno, a top hit-man and West Coast Mafia leader, has been in federal custody for the past year "talking" about the full range of Mob crimes, killings, dealings, and associations. He has been called by one Washington source, "the highest ranking U.S. mobster ever to come into federal hands—an unparalleled opportunity for law enforcement." Fratianno knows more about the Mob than other informers ever imagined. Only syndicate leaders such as Lansky, Marcello, Trafficante, can be said to know more than he does about the most intimate secrets of organized crime.

Currently he has immunity and is negotiating with the Justice Department under the witness protection program to tell all he knows for a short prison term of no more than five years, plus a new identity and protection.

Already he has told grand juries what he knows about 25 killings. Testifying at a trial in New York City in December, he acknowledged that he participated in nine murders from 1947 to 1953 and two more murders last year. He added that he personally killed at least four of the victims. Authorities termed several of these 25 killings as "important" mob hits.

The Mob is sore, of course from all this talk, and there has been a contract out on Fratianno's life since 1977. At the NY trial, which involved reputed members of New York's organized crime families in a skimming operation, the defense reportedly called the government's arrangement with Fratianno "a deal with the devil."

Fratianno, 65, was a key, behind-the-scenes, operator in the Los Angeles mob for the past 20 years and was allegedly a top execution specialist for mobsters across the country. One mob expert believes Fratianno has knowledge of most important mob hits west of the Mississippi since 1960. And importantly for government investigators, he is said to have today a complete memory of these murders. He also had first hand knowledge of top-level national crime syndicate meetings, though never formally a member of the topmost group.

According to a Congressional investigator on organized crime familiar with Fratianno, there is virtually unanimous consensus among organized crime experts that he is immeasurably more important than Joe Valachi, Senate witness in 1963 and the most publicized Mob informant to date. "He is a whole world beyond Valachi," says this source. "Valachi knew nothing, he only knew about one New York City family. Fratianno had personal knowledge of high-level Mob killings. He was very close to Johnny Rosselli and he probably had input on the CIA-Mafia plots against Castro. And it is virtually unanimous among experts that he knows who killed Rosselli and why. Also Sam Giancana and why."

This source is optimistic that Fratianno has vital information about Mob involvement in the JFK assassination conspiracy. "If he really told the truth, he could tell what would be involved in any important syndicate hit and what would have been involved if the JFK assassination was a Mob hit. If Giancana was behind it he would have known; and he may well have known if Carlos



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Marcello did it. He has had some past dealings with Marcello [New Orleans crime boss]. This source continues, "Fratianne would know such atmospheric things particular to the Mob as how long the planning for the assassination would have taken; what the significance of it occurring in Dallas would have been; and what specifically was the extent of the Dallas Police force being on the take and whose take it was—Giancana's or Marcello's."

The Justice Department is reluctant to answer questions about Fratianno because he is scheduled to testify in several sensitive trials and officials don't want to generate any pre-trial publicity. However, it should be noted that a high-level Justice Department source is not as optimistic of Fratianno's knowledge of the JFK case. "He obviously knows stuff about Rosselli and Giancana," this source said, "but in the context of the Kennedy assassination, no."

Since last spring, the House Assassinations Committee negotiated with Fratianno and his attorneys and the Justice Department for an interview on the JFK assassination. The committee reasoned that if JFK was a Mob hit, since Dallas is west of the Mississippi, Fratianno might have been informed or consulted. The committee was unsuccessful in getting the interview and blames Fratianno's lawyers for foot-dragging. The committee didn't have any power to force him to talk to them nor any inducements to offer him; he already has his immunity and was being protected. No interview is possible now, of course, as the committee is officially out of business.

According to Dennis McDonald, Fratianno's current attorney, his client might talk to some future investigation, but only in public and on his terms. He won't talk to investigators in private about what he knows. "I know Mr. Fratianno's view of the deaths of the previous witnesses in the matter," says McDonald, "and he's quite concerned about meeting with people and divulging the information which he has. His feelings are that following the procedure that the House committee was requesting [closed-door secret meetings] there were two deaths [Rosselli and Giancana]. And he doesn't want to be a third."

McDonald believes his client has "important" information which he hasn't yet revealed. Does he think Fratianno knows about the Rosselli and Giancana deaths? He coyly answers, "Yes, I think he has information." What about Hoffa? "Again he has information which should be considered. For example, my understanding of some of the events surrounding the alleged plot against Fidel Castro would lead me to believe that Mr. Fratianno has information that would be important."

If Fratianno does have important information, it won't be easy to come by. Some observers are sure he will use it to the maximum to negotiate the best deal possible with the Justice Department. In other words, he will bargain for more favors after his prison term, such as a house, a car, etc. to go along with his new identity and protection. Others think it may be just hype that Fratianno is using to promote a book about himself that he wants to cash in on.

The key to the government's working intelligence on organized crime is Mob informers. Reportedly, the FBI has 2,000 organized crime informers. Most of these are peripheral associates of mobsters—businessmen, union officials, relatives, etc. Only a very small number (15 to 20) are the extremely difficult to turn actual members of Mafia families—such as Jimmy Fratianno.

From June, 1975 to February, 1977 a major law enforcement problem developed as 23 key informers across the country were murdered in what was termed "the .22 caliber assassinations." The name was given because in most of these killings a .22 caliber pistol was used as the murder weapon. Because the .22 is a strange and seldom-used weapon for Mob hit-men, experts believe it was employed as a deliberate signal from the Mob—we're killing your informers.

How did the Mob know who to bump off? The deaths appear to have been the result of blown covers created by lax security

of FBI data, and the leaking of top-secret informers' names through bribes to FBI personnel. However, the killings continued even after FBI security was reanalyzed and tightened. Thus, recent articles have charged that the Mob has penetrated the FBI.

The first victim to be killed by a .22 was former Chicago Mob-boss Sam Giancana. He was murdered just before he was to testify before the Senate Intelligence Committee about the CIA-Mafia plots.

Frank Bompensiero ("El Bompo"), the one-time boss of the Southern California Mob family, became a .22 caliber victim in 1977. In 1966, against the threat of a prison sentence, he was turned by the FBI into an informer, and for the next 11 years he was considered the most important Mob informer the Bureau had. Jimmy Fratianno was Bompensiero's behind-the-scenes West Coast partner. "They were very close, extremely close," says one knowledgeable expert.

The story of Fratianno's turning began in Cleveland. A top Cleveland Mob leader bought top-secret information from an FBI clerk in the Cleveland office. The leaked data exposed key Mob informers, including Daniel Greene and Frank Bompensiero. Danny Greene, an Ohio gambling and loan shark racketeer who had been a three-year FBI informant, was soon after blown apart by a bomb. (Bompensiero had been assassinated in San Diego eight months earlier.) A professional hit-man was arrested and confessed to the Greene murder. He then fingered Fratianno as one of the men who had hired him. Fratianno was arrested in December, 1977, for Greene's murder. He began to talk to the FBI because they convinced him that the Mob had issued a contract on him for his failure to detect Bompensiero, his West Coast partner, as a longtime informer.

Once Fratianno started opening up, he revealed everyone involved in the Greene murder. He also confessed to ordering the murder of Bompensiero and named those who carried out his execution orders. Fratianno has already served over a year of his shortened sentence and will be eligible for parole in about five months. (He has served over 18 years in prison in the past.)

His next court appearance is scheduled in a Los Angeles pornography trial which is an outgrowth of the Bompensiero murder. (The government has no jurisdiction in murder cases, so they have gone after those involved by pursuing the pornography indictments.) According to Ralph Salerno, former NYPD organized crime investigator and expert consultant to the HSCA, "Fratianne was one of those indicted for conspiracy to take control of the pornography industry. But the underlying, big crime is the death of Frank Bompensiero." The trial could settle, according to Salerno, "whether Bompensiero was killed because they found out he was an informant or because he was double-dealing somebody in the pornography takeover. I think it could be either one."

Fratianne is to be the government's key witness, but presently the trial date is in limbo, and Salerno, for one, says, "I wouldn't be surprised if it never goes to trial, because I don't think they've got that much of a case."

Salerno was also asked if he knew who put the contract out on Fratianno. "Anthony Spilotro," he replied, "was the fellow who was supposed to do it or have it done. He's originally from Chicago, but he spent the last decade or so in Las Vegas. He seems to have taken over the function of Rosselli—Chicago's man out West." Do they still want Fratianno dead? "Yeah," says Salerno matter-of-factly, "if they can do it without a great deal of trouble."

—J.G.



KANTOR ON RUBY

Seth Kantor's *Who Was Jack Ruby?* (Everest House, 1978) provides an excellent summary of Ruby's nefarious associations (with the Dallas police, the FBI, and known mobsters), a serviceable psychological profile of Oswald's slayer, and the fullest account yet of Kantor's own Kafkaesque experience as a witness to Ruby's activities on November 22. (Kantor claimed to have seen and talked to Ruby at Parkland Hospital immediately after the assassination. The Warren Commission said Kantor was wrong. The Stokes Committee will say he was right.)

The book is boldest in its attempt to answer those greatest of enigmas: how did Ruby enter the DPD basement on November 24 and was he tipped as to the time of Oswald's transfer? While failing to build an airtight case, Kantor does conclude that Ruby probably did not enter by the Main Street ramp, past the diverted Office Roy Vaughn (as the Warren Commission claimed), and that there are strong suggestions that Ruby was tipped by a phone call, possibly from Officer Blackie Harrison.

Harrison had known Ruby for twelve years and to students of the photographic record of Oswald's assassination he is familiar as the man from behind whom Ruby emerges as he charges Oswald.

According to Kantor, "He [Harrison] was one of two officers singled out by the police department to take a lie-detector test concerning his movements as they could have involved Ruby that morning. The day of the lie-detector test, December 13, 1963, word spread through the department that Harrison had taken strong tranquilizers to muffle his reaction to all questions. The Secret Service then informed the Warren Commission of what the police were saying Harrison had done, but the Commission failed to look into the tip and didn't check out any of Harrison's personal contacts with Ruby over the years."

On the morning of November 24, Harrison and Detective L.D. Miller were at the Delux Diner, down the block from DPD headquarters. Harrison received a telephone call there from an unknown person. Both policemen were reluctant to talk about the call in their interview with Commission Counsel Bert Griffin (who with Leon Hubert was in charge of the Ruby investigation). Miller even refused initially to be sworn in.

Was Harrison receiving the last minute details on Oswald's transfer? Did he then pass this information on to Ruby, who received several phone calls at his apartment that morning? Kantor raises these crucial questions but is unable to push them any further.

At the time Ruby received the last phone call it was already general police knowledge that Oswald would be taken through the basement to an armored car. Due to the planned security after he was in the van, Kantor concludes that conspirators would have decided, "Oswald would have to be hit before getting into the van."

According to no-conspiracy defenders, such as Commission lawyer David Belin, the preciseness with which Ruby, then Oswald, arrived into the basement was just a coincidence. Ruby sent a Western Union money order at 11:17 that morning and reached the police station within a minute and a half. Oswald was shot at 11:21. Belin argues that Ruby could have been delayed a few minutes at the Western Union office and would have thus missed Oswald's transfer entirely. Therefore, Belin concludes, "circumstances of this nature are strong proof of the fact that there was no conspiracy [to kill Oswald]."

As Kantor logically points out, it is another classic example of looking at the JFK case through "lone assassin" glasses. Kantor hints that DPD conspirators who might have been in cahoots with Ruby, told Ruby to be in place by a certain time and then only when he was there, behind Officer Harrison, did they signal upstairs to bring down the prisoner. Supporting this hypothesis, Kantor details the terrible disarray of the basement security preparations at the moment of the signal. When the

ready signal was relayed to Captain Fritz nothing was set down-stairs. The transfer car wasn't in position and was blocked in by people and other vehicles, and detectives hadn't roped off reporters and camera crews to where they should have been. Why would Oswald have been brought down into such a security mess?

Bert Griffin now admits to Kantor that the Commission didn't explore these questions properly, "We might not have grasped the connection as we should have . . . [We] never carried on an inquiry into the whole system for protecting Oswald."

— B K

BRONSON FILM UPDATE

"The Department of Justice should contract for the examination of a film taken by Charles L. Bronson to determine its significance, if any, to the assassination of President Kennedy."

This was the number one "recommendation for further investigation" that the HSCA made on December 31, 1978 (See CA, Nov.-December, 1978 for a detailed background report on the Bronson film).

As we go to press the AIB has obtained the "draft" language of the Bronson recommendation which will be in the final report. In addition to the above recommendation the draft copy of the report continues:

" . . . The panel [HSCA photo experts] was unable to discern any figure and it was unable to say conclusively, based on the study it did, whether apparent motion behind the windows on the fifth and sixth floor windows was due to film artifacts or real motion. Nevertheless, because the Bronson film was of a superior quality to the Hughes film that the panel had subjected to computer processing, the panel recommended that similar additional work be done on the Bronson film." The Committee also asks the Justice Department "to contract for the appropriate research to be done to determine what, if any, significance the Bronson film may have to the assassination of the President." [This is apparently a recommendation for a further search for corroborative evidence, i.e., eyewitness testimony, fingerprints, etc., of more than one person in the sixth floor sniper's nest.]

Clearly, the question of what the Bronson film does show for a fact is at this moment still open. Last November when the question suddenly arose, the Committee had time and money left to enhance only one of the 92 frames. The six members of the HSCA's expert photo panel who were hurriedly assembled at the facilities of the Aerospace Corporation in California to view the computerized, multicolored, wall-sized video display saw enough to vote 5 to 1 in favor of enhancing all 92 frames by the same method. Only in this way, they said, could they determine whether or not the images in the windows revealed one, two, or three human figures. It is this 5 to 1 finding on which the Committee based its recommendation (above) to the Justice Department.

One expert who viewed the film at Aerospace was Robert Seltzer, of the Jet Propulsion Laboratory of Pasadena. Seltzer thinks the Bronson film may indicate as many as three figures in the sniper's nest. This view supports an earlier contention by HSCA photo consultant Robert Groden.

In a letter to the Committee's staff, Seltzer wrote: "To my knowledge, this is the only possible evidence of movement behind the two closed windows adjacent to the half-open window."

Seltzer said, "Every other photo or movie frame that I can remember shows these windows completely opaque, possibly due to a combination of dirt and sun glare. It is possible that



slight windowpane movement could create the appearance of rapidly moving objects. If so, the speed of shadow change, if clarified, could easily be distinguished from human movement."

[Seltzer noted that the Bronson film was superior in quality to the Robert Hughes film. The Hughes film was taken seconds before the shooting and had been previously examined by the HSCA panel. But they were unable to determine the origin of the movement it shows—concluding it was caused by photographic "artifacts."]

Seltzer's letter continues, "Such clarification could also indicate compatibility with human movement, but in either case, the movement should be analyzed."

The AIB has also learned from Bronson's Dallas attorney, John Sigalos, that additional enhancement of the film, independent of the HSCA and the Justice Department, will be performed very soon at a New England university. The photo work will be funded by a private concern which Sigalos would not reveal (not the *Dallas Morning News*, which first ran the story).

Sigalos is indeed very secretive about the pending study, giving few details of the who, what, where, and when. The AIB did learn that the Itek Corporation, which had analyzed the Zapruder and Hughes films for CBS in 1975, had offered to do the work for free. They were turned down by the HSCA and Bronson's attorney. Sigalos did say, "The film will be studied properly, don't worry about that. It will be done in stages. The first stage will be to look to see if it's human movement . . . They simply look at it very carefully and put it through the computers and look at the movements. They know the speed of the camera. They time the movements. In other words, if it's completely jerky kinds of movement it could be just a dirty windowpane flexing in and out. Once you establish that it's human, then you can go in and refine the algorithm on the computer, and say, 'OK, what is the skin tone here if we can tell it, or what is the shirt color, or is there a shirt?' That's when you start to try and pick up more information from it. But the thing to do first is to decide whether or not there is human movement."

Although the Bronson film is the best quality evidence yet examined of the sniper's nest, Chief Counsel Blakey apparently isn't optimistic that it will show anything, and has reportedly said he does not "expect anything will come of it." He told Earl Golz of the *Dallas Morning News* that the Justice Department recommendation was made "so people won't be concerned."

Of course, if the indication of more than one person in the Warren Commission/HSCA "lone gunman's" window is borne out, the obvious implication is that Oswald was either not alone or, as many critics have all along suspected, he was framed.

— J.G.

THE DANIEL FILM

Another 8 mm. color film of Dealey Plaza at the time of the assassination has recently surfaced. Taken from a previously unseen angle, it provides significant evidence bearing on the presidential motorcade (and the position of Officer H.B. McLain) as it sped off following the shooting. The copyrighted 10-second, 176-frame film, taken by amateur photographer Jack Daniel of Dallas, clearly shows that only one motorcycle policeman escorted the motorcade as it emerged from the triple underpass to go up onto the Stemmons Freeway. This lone policeman is not Officer McLain, who has said that immediately after the shots he turned on his siren and followed the limousine to the hospital. The Daniel film therefore supports the HSCA acoustic experts' conclusion that McLain's stuck radio microphone is the one that transmitted the gun shots from Dealey Plaza to the DPD head-

quarters dictabelt.

Roger Gwinn, an aide to Rep. Richardson Preyer (D-NC), commented, "The film tends to support the acoustic evidence" that there was a fourth shot by a second gunman, and contradicts McLain's statements that he sped out of the plaza.

John Sigalos, a Dallas attorney, is representing Daniel. (Sigalos is also handling Charles Bronson's recently discovered film.) He echoed Gwinn's comments. "The Daniel film doesn't show too much about the assassination itself other than what transpired shortly thereafter—the motorcade coming out of the triple underpass," he said. "I think it's a very good film in terms of telling what happened after they took off. It appears that there is a clear breakway and it shows that certainly Officer McLain was not with the group at least for some period of time. They were clearly on Stemmons, well on their way to the hospital."

Specifically, how long after the head shot is it before McLain leaves the plaza? Bob Groden, HSCA photo consultant, who has examined the original film closely, says, "The evidence seems to show, taking several other films into consideration in addition to the Daniel film, at least 28 to 30 seconds" before McLain takes off.

Daniel was standing with his three sons (two of whom are seen in the foreground of the film) about 200 feet west of the underpass on the north side of Elm Street. The film sequence begins as the president's limousine emerges from the railroad underpass en route to the Stemmons Freeway and Parkland Hospital. To the left and behind Kennedy's car is the car of Police Chief Jesse Curry (the motorcade's lead car). Directly behind JFK's car is a Secret Service car, followed by LBJ's car and his Secret Service backup car. One motorcyclist, who has been identified by Texas researcher Gary Mack and by Bob Groden as Policeman B.J. Martin, is visible.

A small side mystery emerges from the order of the cars, according to the film. Secret Service Agent Will Greer, the driver of the president's limousine, told the Warren Commission specifically that he followed Chief Curry's car to Parkland Hospital. Greer testified that he didn't know the way. As the Zapruder film shows, Curry's car was the lead car until the triple underpass. Curry apparently slowed down and pulled over to the left side of Elm Street just after the final head shot, and the Daniel film clearly shows Curry's car behind Greer when they emerge on the other side of the tunnel. According to Sigalos, "The President's car was first, no question about it. The followup Secret Service car is next and Curry's car was the third car." Others who have seen the film, including Bob Groden, verify this description. How did Greer know where to go?

New York critic David Lifton has pointed out this discrepancy. "The popular conception has always been that Chief Curry led the president's car to the hospital," said Lifton. "This conception is proved wrong, at least at the point of the Stemmons ramp by the Daniel film."

Lifton points out that Curry's testimony on this matter is vague and that he only says the motorcade went to the hospital under "siren escort." "He doesn't say whether he led them or tailed them," says Lifton. "But three Secret Service officials [Greer, Forrest Sorrels, and Winston Lawson] all give testimony that is specific and completely contradicted by the Daniel film." (Sorrels, Secret Service Chief of Dallas, and Lawson, the advance agent from Washington, were both riding in Chief Curry's car.)

Lifton points out, for example, that Greer told the commission "I never passed it [Curry's car] . . . I was led to the hospital by the police car who was preceding me." Lawson was asked by the commission if Greer actually passed Curry's car at any time. Lawson replied, "No sir, they never did. We stayed ahead of them."

The explanation to this is either that these highly-trained agents panicked in this emergency and totally forgot what did happen or that somebody is lying. What could the reasons be? Another mystery.



Daniel originally offered his film to the Dallas sheriff's department in 1963 shortly after the assassination. The DPD decided it wasn't significant evidence and returned it to him. In late 1978, one of his sons encouraged him to contact the FBI, which he did. FBI agents received the film and sent it to Washington. On December 28 the HSCA requested a copy.

One general misconception has developed about the film due to an inaccurate report in the *Denver Post* (2/8/79), which first broke the story. The *Post* reported that the film clearly showed the grassy knoll and might reveal a puff of smoke coming from there. Both of these facts left the erroneous impression in the minds of many readers that the Daniel film might be principle evidence of a second gunman on the knoll.

Looking through the underpass tunnel, Daniel's camera could see some of the plaza on the other side. However, none of the grassy knoll is visible. "The *Post* got the story wrong, because it does not show the knoll at all," Sigalos told the AIB. "As far as smoke, what happened is that Bob Groden had the original and there have been some copies made, and on the copies there appears to be some sort of a haze coming across the grassy area on the middle of the plaza as you are looking underneath the underpass."

Groden thinks "it is just an illusion. One of Daniel's boys was waving his hand very, very rapidly [at JFK's limousine] and his hand becomes a blur and it makes the area in the background appear a little bit lighter. There's no one who wants that to be a puff of smoke from a gun more than me, but most likely it's not. I think it's just a waving hand."

Sigalos adds, "It'll be studied more to be sure what it is. But you can't see the grassy knoll, and it would have to be a cannon going off to see smoke drifting over that far from the knoll."

—J.G.

HSCA HEARINGS Schedule and Witnesses Called

(Below is the complete witness and subject schedule for the December HSCA hearings. Each day's subject heading [italicized and in quotes] was assigned by the HSCA.)

December Hearings—

11th—("Prevention of Assassinations and Legislative Recommendations") Witnesses and Exhibits (henceforth, "W&E"): Opening statement, Chairman Stokes; William Webster, FBI Director; Frank Carlucci, Deputy Director of CIA.

12th—("Prevention of Assassination and Legislative Recommendations") W&E: H.S. Knight, Director of the Secret Service; Benjamin R. Civiletti, Deputy Attorney General; Chairman Stokes, closing remarks.

29th—("Acoustics Revisited"), W&E: Chairman Stokes, opening statement; Narration, "Acoustics Evidence Refined"; Professors Mark Weiss and Ernest Aschkenasy, HSCA acoustic consultants; Officer H.B. McLain, Dallas Police Department; Dr. James A. Barger, HSCA acoustic consultant, Bolt, Beranek, and Newman, Cambridge, MA.; Narration, "Medical and Trajectory Evidence"; Showing of the Zapruder film with synched DPD tape; Summary of Dr. Michael Baden's findings on the medical evidence by Chief Counsel Blakey; Summary of findings of Thomas Canning, HSCA trajectory consultant, by Chief Counsel Blakey; Chief Counsel Blakey, final statement; Chairman Stokes, closing remarks.

RECOMMENDED READING

1. *The Search for the Manchurian Candidate* by John Marks, New York Times Books, 1979.
2. "The Assassination Tangle" by Tracy Kidder, *Atlantic Monthly*, March, 1979.
3. "Press Contortions: Still Denying A JFK Conspiracy," editorial in *Inquiry*, 3/5/79.
4. "The Missing CIA Man" by Tad Szulc, *New York Times Magazine*, 1/7/79; the facts on the mysterious death of John Paisley.
5. "The Spy Who Never Was" by Joe Trento, *Panhouse*, March 1979; a good companion piece to the Szulc article (above).

HSCA Chief Counsel on JFK

SPEECH BY G. ROBERT BLAKEY

(January 25, 1979; Plaza Hotel, New York City;
To the Cornell University Law School Alumni Meeting)

Mr. Justice Holmes once observed that the first requirement of a theory is that it fit the facts. He didn't add it, but I suppose he would not object if I said what he really meant was, the first requirement of a good theory was that it fit all the facts, and not just some of the facts. One of the great problems with the Kennedy case is that people have taken some of the facts and fit them to a particular theory and suggested that it was the truth.

What really happened in Dealey Plaza on November 22, 1963, is a very troublesome question, because what happened there not only happened in Dallas, it happened in Washington. I dare say that there are very few of you who could not tell me if I asked you where you were that day. Some of you that are a little older could probably tell me where you were December 7, too. Those two days we remember.

My problem when I got down to the committee some 18 months ago was how to figure out what, if anything, a congressional committee, not a grand jury, not an executive police agency, could add to the tragedy, except complicate it. I recognize, as I'm sure many if not most of you do, that fact-finding 15 years after an event is difficult if not impossible. As I am sure you would remember or at least think you remember when you tell me where you were on November 22, ask yourself honestly, are you telling me where you were or are you now telling me the story that you tell about where you were? Now that story is not false. It normally has a meaning to it and that simple meaning is true, but over time the details change. So one of the first things that we faced in an effort to try to find out what happened in Dealey Plaza is that the witnesses' testimony was no longer valid. Frankly, it offered little hope of settling very difficult questions. Consequently, we hit on a strategy of looking not to people but to science and files.

Let me speak for a moment about files first. There is a myth, I suppose actually promulgated by the investigative agencies, that they know everything. It's widely believed that the truth of the Kennedy assassination is somehow locked up in the FBI, or more particularly the CIA's files. One of the first things we found, my friends at the CIA will forgive me if I say it publicly, is that the reason they classify information is not to hide things from you, but rather to hide how little they know both from us and the Russians. The answer to the Kennedy case is not in the CIA files. We ranged wide and deep in those files. The agency gave the Select



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Committee on Assassinations unprecedented access to their materials and to their people. We had a similar access with the Federal Bureau of Investigation and a number of other agencies.

Let me talk to you a little bit about the science and what is involved. The official explanation for Dealey Plaza was that the president was shot at, perhaps 3 times, certainly 2 times in a space of 7.9 seconds. All of the shots were fired by a man named Lee Harvey Oswald. Two of the shots hit President Kennedy; one shot actually hit both President Kennedy and Governor Connally. There was no evidence of a conspiracy. Now the phrase "no evidence of a conspiracy," was obviously written by a Philadelphia lawyer, because the phrase before "no evidence" was "no credible evidence," which would clue most of you in to the fact that there was *some* evidence, which the commission for one reason or another rejected.

What did we find? We found that there were four, not three shots fired. That the first shot was fired from the Depository and that it missed. The evidence for that, and I will speak today primarily, if not exclusively, in terms of scientific evidence, is a film made by a man named Abraham Zapruder who ironically actually filmed the assassination as it occurred. In Zapruder's film you can see John Connally sitting in the car and he turns slightly to his right and then he turned very quickly, again. Connally's testimony to the Warren Commission and to the Select Committee on Assassinations was that he heard the first shot. That testimony, that oral testimony, was rejected by the Warren Commission. It had been accepted by the Select Committee on Assassinations, in part because the film sees John Connally turning, but more significantly, as I am sure many of you know, the Select Committee on Assassinations subjected a tape made by the Dallas Police Department, inadvertently, of the sounds of the assassination to some sophisticated acoustics analysis, and we can tell you that there were 7.9 seconds from the first to the fourth shot and you can count back in the film the correct number of frames and indeed see the shot go off in the sense that you can see on the film reactions to the first shot.

The second shot did, as the Warren Commission suggested, hit the president in the back of the neck, exit his throat, go into John Connally's back, exit his chest, hit his wrist and then hit his thigh. The same bullet inflicted both wounds. This is the so-called "single bullet" theory. The Warren Commission suggested this. It has and had been widely objected to by the critics. If there is anything that flows from the Select Committee's work, it is that the reality of the "single bullet" theory has been established beyond all reasonable doubt on the following grounds:

You can align Governor Connally and the president up using sophisticated techniques of interpreting the film. We located exactly where they were, I mean literally to the centimeter in Dealey Plaza. We located the two bodies. Using the forensic pathologists, we located where on the bodies the wounds were. We then had a NASA engineer trace out from Governor Connally's back through the president's neck and out the back of his neck, aligned based on the probable trajectory of the bullet and it intersects . . . in a circle about like this . . . on the sixth floor Depository window. The plus or minus of the trajectory is about 14 feet. Nevertheless, it establishes the reality of the *possibility* of the single bullet having come from the Depository.

In addition, ballistics tests show that the bullet found on the stretcher, probably Governor Connally's stretcher in Parkland Hospital, came from Oswald's rifle. Neutron activation analysis establishes that that bullet, in fact, hit Governor Connally's wrist. The bullet that hit Governor Connally's wrist was tumbling when it went through Governor Connally. You can tell that from the nature of the wound on the back of him. The only thing between President Kennedy and Governor Connally and the window from which the bullet was fired, was the president. The "single bullet" theory is correct.

The third bullet—and this is the area of some controversy—was not fired from the Depository, as the Warren Commission

thought; it was fired from the so-called grassy knoll, an area off to the right of the president as he drove down Elm Street. This was a somewhat surprising finding by the committee—surprising I suspect, to the public who only became aware of it in December when it was announced. It is one of those things that, I suppose, will become a myth that the committee did this at the last moment. In point of fact, the committee had been wrestling with the implications of the acoustic study since sometime in July and August when we began to perceive that a careful study of the tape that we found would indicate that there were more than the required three shots, required in the sense of sustaining the Warren Commission's analysis.

Let me talk to you a little bit about the tape because it is an essential part of the analysis.

A policeman by the name of H.B. McLain—unknown to H.B. McLain—was traveling about 120 feet behind the presidential limousine on the left. The Harley-Davidson motorcycle that he had had a habit of having its microphone stuck. Indeed, it was stuck that day. He was also on the wrong channel, unknown to him. He was on Channel 1 when he should have been on Channel 2. And the microphone was stuck, as history would have it, during the period of the assassination. And consequently his microphone picked up, not only the sound of his motorcycle but the sounds of the bullets being fired in Dealey Plaza.

For a long time the fact of that tape was known, and it was suggested by critics that someone in the Dallas Police Department was involved somehow, in some way, with the assassination. An effort had been made to block the communication's channel by depressing the microphone button. This allegation led us to find the tape we did. It was in the possession of a former Assistant Chief in Dallas. We sent it to a firm in Massachusetts, named Bolt, Beranek, & Newman, which counts among its endeavors working with sonar. They are able under water to locate and distinguish whales and submarines halfway across the Atlantic.

In addition, Dr. Barger says I shouldn't talk about this too much, but since it's not classified, as far as I am concerned I'll share it with you. They apparently make a little black box that you put on a howitzer on a battle field, and when the other side shoots at you the little black box tells you where the other howitzer is. So you shoot back exactly where they are. One of the things that led us to go to Dr. Barger's firm was the assumption that if he could find a howitzer on a battle field, he ought to be able to find a rifle in Dealey Plaza.

In any event, Dr. Barger subjected the tape to very sophisticated analysis eliminating background noise through the whole tape. Ironically, however, the crucial seconds were sufficiently clear that the filter process turned out to be not necessary, although we spent about \$50,000 on the filtering process. Incidentally, he told us it was not necessary *after* we spent it and not before.

When Dr. Barger appeared before the committee on September 11th, his analysis of the product of a reconstruction of the shooting in Dealey Plaza that he had conducted in August had only been finished for approximately six to seven days. Consequently, at that time, he was only willing to estimate a probability about being mistaken on that third shot at 50-50.

Following his appearance in September, we had some separate consultants take a look at the basic data and do a mathematical extension of it. That mathematical extension can be fairly simply explained. Dealey Plaza is an urban environment, composed of large structures. If a sound is made by a rifle and there is a microphone in that environment, the first sound which comes from the rifle will reach the microphone directly. Indirect sound, or echos, will bounce off all of the major structures in that environment and bounce back to the microphone. If you can visualize in your minds for a moment the first sound going to the rifle as one line of a triangle and the other two sides being created by the direct line to the building and then the direct line



back to the microphone you have a triangle. Imagine if you will the sound that occurs in Dealey Plaza. It does not sound like a bang. It sounds like bang, bang, bang, bang, bang [i.e., dying away], until all of the echos have hit off the buildings. And we have constructed a number of triangles in Dealey Plaza. Each triangle is unique as to the distance between the rifle, the building, and the microphone as a function of the temperature of the air. It is possible to plot each of those triangles. If you can imagine in your mind for a moment a very complicated doodle, that doodle, composed of one superimposed triangle after another, actually amounts to a fingerprint of the sound in that urban environment, unique to that urban environment. What Professors Weiss and Aschkenasy were able to do for us in the period after September was to perfect that fingerprint of sound that was on the tape taken in 1963 by the Dallas PD inadvertently and match it to the fingerprint of the sound that we had reconstructed in Dealey Plaza in August of 1978. And when that match occurred, it occurred to a degree of certainty of 95% plus.

We asked them, obviously somewhat in disbelief or at least incredulously, "How could this have been done, or could we have been mistaken here between what you say is a rifle shot and a backfire?" And their answer is, "Yes, but the motorcycle would have to have been up on the grassy knoll behind the wooden fence to the left." We asked them, "Could this sound have come from another place?" There is other sound on this tape, for example, the sound of a carillon bell. And there is no bell in Dealey Plaza. "Could this have come from another source?" And the answer is yes. And Professor Aschkenasy put it very well, he said, "But tell me where it came from, and I will go there and I will find someplace else that looks precisely like Dealey Plaza."

What they told us in effect was that the construction of triangles that they found on the tape in 1963 is identical, 95% plus, to the construction of sound on the 1978 tape. In addition, there is more than what could be a loud noise. There is preceding the loud noise what is called an N-wave. When a supersonic rifle or pistol is fired, the first sound is that of the muzzle blast that you can observe, preceding that muzzle blast is the supersonic missile. Much like an airplane flying at the speed of sound has a sonic boom with it, there is an audible sonic boom. So actually a rifle goes . . . (snap, snap) . . . and then it hits. You can see that initial snap on this tape. So whoever fired at the president from the grassy knoll fired a supersonic gun. I don't say rifle or pistol, because in fact any number of pistols available to the general public in 1963 could have been used. Clint Eastwood shoots a .44 Magnum. I don't suggest that he shot at the president; nevertheless, had he fired a .44 Magnum at the president it would have made the same sort of trail. Once we learned that it could have been a pistol and not a rifle, we quickly asked is it possible that a policeman in that area could have accidentally discharged his pistol. And the answer is that the nature of the N-wave and the muzzle blast that follows behind it permits you to determine the general direction of the shot. We know, for example, that it was not fired away from the grassy knoll back towards the railroad. We know that it was not fired directly up in the air. It was indeed fired at the general area of the presidential limousine. So that if the policeman fired this shot accidentally, he would have to have held his pistol over the top of the fence and fired at the presidential limousine. And that would lead one to suppose that this was not fired accidentally and the fact that he would have been a policeman would have been irrelevant to determining a number of things.

There is ironically a photograph taken by a woman standing across the street at the moment, within a second, of when the shot was fired. And it includes the presidential car, President Kennedy is leaning forward, and it includes the relevant area of the fence where the second assassin had to have been standing. We knew this. We looked very carefully at that film, and I have to report to you unfortunately that film was taken with a Polaroid camera, and in the 15 years following the assassination the film has deteriorated to the point now where some of the kinds of

sophisticated computer enhancement that we were able to do with the other films, is, our experts tell us, not a profitable venture, and we did not make it. Nevertheless, ironically, at the very point on the film of the fence, where our acoustics people tell us the assassin had to be standing, there is an irregularity, which if you take a conspiratorial Rorschach test you will identify as an assassin. If you don't take that test that way you will say it's an irregularity in the film. The committee made no judgment on what it was. In fact I think it feels its presence is more significant in the sense in which it is not absent. If that fence had looked awfully regular at that point, and had not had an irregularity there, either related to the fence or the film, it would have been one little piece of evidence that would have perhaps been inconsistent with the acoustics.

When the acoustics came in we also asked ourselves, "wait a minute, you've got a gunman firing from the grassy knoll? There were hundreds of people in that plaza that day. Who among them heard it? Who among them saw it? What evidence beyond science gives it support?" Most of us were skeptical lawyers and not trained scientists, therefore we don't believe scientists much more easily than others.

There were 171 people interviewed out of the people in Dealey Plaza, that testified either to the FBI or to the Warren Commission that there were from two to four shots fired. Of that 171 that said that there were two to four shots fired, 46 people said they were fired from the Depository. Twenty people said they were fired from the grassy knoll. The rest said either that they didn't know or that they were fired from someplace else. You can see what you have here. The Warren Commission, faced with that kind of testimony, decided, I think, in the absence of scientific collaboration for the oral testimony of shots coming from two different directions, that they would believe only the shots fired from the Depository.

Among the people who heard shots fired from the front as well as from the back, include a policeman riding to the left of Mrs. Kennedy. His testimony is unequivocal. "I heard a shot come over my shoulder. I heard a shot from up front and to the right of me." Another witness was a Secret Service agent riding on the car immediately behind the president.

On the grassy area, from which the grassy knoll name is taken, there were two people. Abraham Zapruder, you will recall that I mentioned that he took the film. His testimony is very difficult to read or to understand, partly because of the obvious emotion that he expressed during his deposition. Nevertheless from his testimony you can determine that he differentiated shots based on sound. One shot was not so loud, another "reverberated all around me." As indeed it would have if it had come over his shoulder.

A man named Newman, with his family, was literally standing on the grassy knoll between where the president was and where the other gunman shot. He dropped his family to the ground—and there is photographic evidence to corroborate this. And he said very clearly, "I knew that I was in the line of fire. It came from the garden area directly behind me."

Another man, named Holland, standing on the railroad pass under which the president was shortly to drive, said he heard four shots. Two from up the street, two from down the street—by down the street he meant the grassy knoll—and he also said that he saw a puff of smoke coming from the grassy knoll. I was somewhat skeptical of that testimony the first time I read it, since I thought that they really didn't have smoking guns since they got rid of flintlocks. That tells you how little I know about ammunition. Apparently a rifle made today, if not cleaned properly (which would leave oil in the barrel), would indeed produce smoke. And consequently, seeing a puff of smoke over there may be difficult to believe but it's not impossible to believe.

The bullet that was fired from the grassy knoll did not hit the president. The medical testimony is unequivocal. There is no evidence of any bullet hitting the president from the front.



The fourth shot, fired this time again from the Depository, hit the president in the back of the head and came out the front. And the doctors tell me that the cause of death is two gunshot wounds. And I believe them from a medical point of view, but having seen the films and also having seen the autopsy films, my judgment at the moment is that the third shot fired by Lee Harvey Oswald from the Depository killed the president.

Let me comment to you and with you a little bit about the meaning of all of this. It has been one of the most soul shattering experiences that I've ever had. I was, ironically, with Attorney General Kennedy on November the 22nd, 1963, in an organized crime section meeting. We all went home for lunch. He went with Bob Morgenthau out to Hickory Hill, and the president was killed, and the meeting never got back together again.

Consequently, going back to Washington to investigate this was, in a sense, coming back to where I started. Seeing the president in the Zapruder film, for example, with Mrs. Kennedy, you're immediately struck with what a beautiful person he was. So alive. So vibrant. So symbolic of a time and place in the 1960's. And then seeing him dead, as I have, laid out on a slab—and I don't suggest that any of you do—very troublesome.

In a personal sense that is some of what happened to me, but there ought to be broader things that we can say about what happened in Dallas.

We can't rewrite history. We can't bring John Kennedy back. But I can tell you that not one institution of my society served me well in 1963. And I'll be honest with you, the Select Committee on Assassinations probably ought to underline its report and say, "None were covered with glory, including this Committee." As committees of Congress go, its early history is hardly one to be offered as a model. The FBI did not adequately investigate the case. Not as to who shot the president. The basic shooter investigation is superb. They did not investigate adequately the conspiracy. The CIA, what did they do for us? They did not adequately gather information before the assassination. The information they had after the assassination they did not share with the Warren Commission. The Warren Commission itself represented

in many ways the best of our society. The Chief Justice was its chairman, lawyers who are today in all of the major firms in the United States served on that commission, all of them served ably and well. They studied the case as best they could, arrived at their judgments in good faith, and were fundamentally wrong on the conspiracy question. And they made what in my judgment was a serious mistake, they stated their judgment in such a way as they mistrusted the American people. They should have said, "We've done the best we could, we know who shot the president, we're not sure whether others were involved." And then trusted it to the maturity of the American people to accept it as such. They didn't, and let enter our society a kind of poison that has run through the body politic since. We call it Watergate today—a lack of credibility in governmental institutions. There are a lot of young people who have thought this case through who will never trust the government again and feel that they have been lied to.

If there is any message to take out of this case, it ought to be that. Not a hope that somehow we will be able to identify the other assassin on the grassy knoll. After 15 years that's probably unlikely. That there were two assassins there, I believe it, based on science, and I think you will too if you see the evidence I saw. And you can see it. It's not something that you have to accept on faith. You can go redo what they did. We'll publish the charts and you can sit down with a hand calculator and refigure it. This is not something that is beyond anyone that has a high school or certainly a freshman college understanding of physics.

But the message we ought to carry away from it can be summed up in two words, "Never again." The next time this happens—and it will happen: one in four of our presidents have been shot at—I hope indeed people will have the courage and integrity to stand up and say, "I will pursue this as far as I can, and if I can't go all the way, because I am human, I will tell people of that." So the lesson I think you should take from it is Santayana's lesson, "Those who will not study the past are doomed to repeat it." I know Shaw comments on that, "That the only thing we learn from history is that we don't learn from history." I have to hope that Shaw is wrong. Thank you.

DOUBLE—ISSUE

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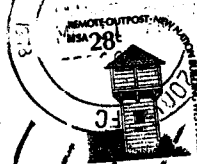
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